

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:1718
ANSWERED ON:12.12.2003
WITHDRAWAL OF IPRA
RENUKA CHOWDHURY

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether the Intellectual Property Right Agreement which India had signed in 1989, has led to increase in the cost of medicines;
- (b) if so, whether the Government has taken steps to review the aforesaid agreement; and
- (c) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI S.B. MOOKHERJEE)

(a) to (c) : The Patents Act, 1970 currently does not provide product patent protection to pharmaceutical and chemical products. India, as a developing country can delay the application of the provisions on product patent under the TRIPS Agreement up to 1.1.2005 to areas of technology not so protectable in India on 1.1.2000. Accordingly, India is obliged to provide product patent protection to pharmaceutical products only from 1-1-2005.

The Doha Declaration on the TRIPS Agreement and Public Health recognized that the TRIPS Agreement does not and should not prevent Members from taking measures to protect public health. It reaffirmed the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement which provide flexibility for this purpose. The Declaration recognized that these facilities include the right of each Member to grant compulsory license and the freedom to determine the grounds upon which such license is granted, the right to determine what constitutes a national emergency or other circumstances of extreme urgency and the freedom to establish its own regime for exhaustion of intellectual property rights.